

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT

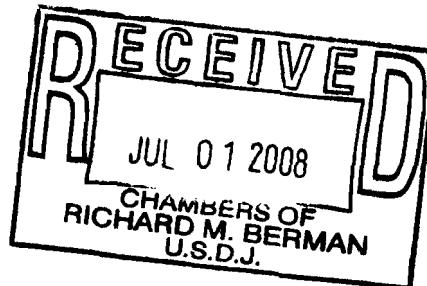
MEMO ENDORSED

P.4

TO: Honorable Richard M. Berman
U.S. District Court Judge

FROM: Enid Febus
Supervising U.S. Probation Officer

P48442



Re:John Phillip Riofrio
Docket No.:08 CR 107

Enclosed is a matter from the U.S. Probation Office requesting consideration and/or review by Your Honor. Please direct your response (if applicable) along with any attachments to our office at 233 Broadway, 14th floor, so that we may take appropriate action.

Respectfully submitted,

Enid Febus
Supervising U.S. Probation Officer
(212) 805 - 5074

Prepared By: Joanne Stern

Joanne Stern
U.S. Probation Officer
212-805-5077

DATE: July 1, 2008

REQUEST FOR COURT ACTION / DIRECTION

TO: Honorable Richard M. Berman OFFENSE: Possession with Intent to Distribute Heroin, T21 USC 841 (a) (1), Class B felony.
U.S. District Judge

ORIGINAL SENTENCE: Ninety six (96) months custody, Five (5) years Supervised Release

FROM: Joanne L. Stern SPEC. CONDITIONS: Drug Aftercare as deemed appropriate, Vocational training as deemed necessary.
U.S. Probation Officer

RE: John Phillip Riofrio AUSA: to be assigned
Docket # 08 CR 107 Defense Counsel: to be assigned

MED: December 16, 2012

DATE OF SENTENCE: December 14, 2000

DATE June 30, 2008

ATTACHMENTS: PSI X JUDGMENT X

REQUEST FOR: COURT DIRECTION X

TRANSFER OF JURISDICTION ASSIGNMENT

John Riofrio was sentenced in the Southern District of Texas as indicated above. The documents related to the Transfer of Jurisdiction were delayed and we recently learned that the case was assigned to Your Honor.

Mr. Riofrio has been supervised by the Southern District of New York since his release from custody on December 17, 2007. He resides with his mother and brother at 45 Tiemann Place, apt 30, in Manhattan. He possesses his Commercial Drivers License (CDL) and is presently training as a delivery driver for Bartlett Dairy, 105-03 150th Street in Jamaica, Queens, making \$9.37 an hour.

During his term of incarceration Mr. Riofrio completed the 500 hour drug treatment program. Released through the Residential Re-entry Center (RRC), Mr. Riofrio attended outpatient drug counseling at TRI Counseling Center. However, while at the RRC, he tested positive for cocaine and was returned to prison for eleven (11) months. He was subsequently returned to the RRC, where he spent five (5) months before being released to Supervised Release.

John Phillip Riofrio

48442- Stern

2

In January 2008, Mr. Riofrio was referred for individual counseling at Daytop Village. His first appointment was scheduled for January 17, 2008. During his intake interview at Daytop Village, Mr. Riofrio submitted a specimen which tested positive for the use of cocaine.

On June 9, 2008, During an office interview with the undersigned, Mr. Riofrio submitted to urinalysis. A preliminary screening of this specimen revealed the presence of cocaine. Mr. Riofrio admitted to using cocaine, getting high with a group of friends. Although the laboratory did not confirm this specimen as being positive, we are addressing Mr. Riofrio's relapse and substance abuse problem just the same.

Mr. Riofrio had been attending only individual counseling. We increased his treatment to include group counseling as well. Additionally, he is randomly drug tested twice a month. We have strongly encouraged Mr. Riofrio to participate in daily Narcotics Anonymous meetings. We will maintain weekly contact with his counselor at Daytop Village.

In view of Mr. Riofrio's case being assigned to Your Honor, we respectfully request a date for him to appear before Your Honor to discuss his case and his progress thus far. We would request at least two weeks so that we can have counsel assigned as well.

Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer

By:

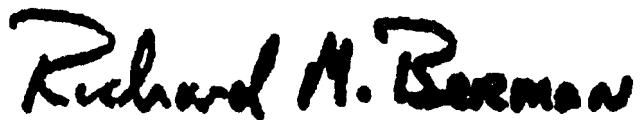
Joanne L. Stern
Joanne L. Stern
U.S. Probation Officer
212-805- 5077

Approved By:

Enid Febus 7/1/08
Enid Febus
Supervising U.S. Probation Officer Date

THE COURT ORDERS

- No Action
 The Issuance of a Summons
 Other



Signature of Judicial Officer

Date 7-2-08

TO BE COMPLETED SHOULD THE COURT ORDER THE ISSUANCE OF A SUMMONS

Date: 7-17-08Time: 11:30 a.m.Place: 500 Pearl Street, Courtroom 21D
Probation shall notify all parties.